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**Selendy  
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July 13, 2021

**Via ECF**

Hon. Cecelia G. Morris  
United States Bankruptcy Court for  
the Southern District of New York  
One Bowling Green  
New York, NY 10004-1408

**Re: *Fairfield Sentry Ltd. (In Liquidation), et al. v. Theodoor GGC  
Amsterdam, et al. (In re Fairfield Sentry Ltd.)*, No. 10-ap-03496-  
CGM (Administratively Consolidated)**

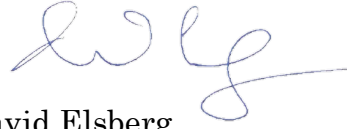
Dear Chief Judge Morris,

Plaintiffs respectfully submit this letter regarding a Second Circuit decision on the standard for motions for leave to amend under Federal Rule of Civil Procedure 15, which was issued after briefing on Plaintiffs' pending motion for leave to amend concluded. *See Bensch v. Estate of Umar*, 2021 WL 25577582 (2d Cir. Jun. 23, 2021) (attached hereto as Exhibit A).

In *Bensch*, the Second Circuit reiterated that Rule 15 provides for liberal amendments and reversed the denial of a motion for leave to amend. In that case, plaintiff amended after "defending a legal proposition about the proper pleading standard" with which the court ultimately disagreed, but the plaintiff "believed in good faith [was] correct." Ex. A at 25. The Second Circuit's ruling further supports Plaintiffs' argument (*see* Dkt. 3738 at 13, 17-18; Dkt. 3791 at 13) that they did not act in bad faith or with undue delay in prosecuting constructive trust claims based on an imputation of the Citco Administrators' bad faith and amending only after the trial court rejected that theory (which rejection Plaintiffs have appealed).

Hon. Cecelia G. Morris  
July 13, 2021

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'D. Elsberg', with a long horizontal flourish extending to the right.

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